

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Plaintiff,

v.

J.B., a minor; Z.B., a minor; and
ANNIE L. DAVIS, solely in her
capacity as guardian of J.B. and Z.B.,

Defendants.

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Case No. 0:18-cv-03189-DSD-ECW

**ANSWER OF J.B., A MINOR, BY ANNIE L. DAVIS, HER GUARDIAN,
TO PLAINTIFF'S AMENDED COMPLAINT**

Defendant J.B., a minor, appearing herein through her guardian, Annie L. Davis, and undersigned counsel, hereby answers the Amended Interpleader Complaint (ECF No. 20) of The Prudential Insurance Company of America ("Prudential"), according to its numbered paragraphs, as follows:

PARTIES

1. J.B. admits the allegations of Paragraph 1.
2. J.B. admits the allegations of Paragraph 2.
3. J.B. admits the allegations of Paragraph 3.
4. J.B. admits the allegations of Paragraph 4.
5. J.B. admits the allegations of Paragraph 5.

JURISDICTION

6. J.B. admits the allegations of Paragraph 6.
7. J.B. admits the allegations of Paragraph 7.
8. J.B. admits the allegations of Paragraph 8.

FACTS SUPPORTING INTERPLEADER

9. J.B. admits the allegations of Paragraph 9. Moreover, Exhibit A speaks for itself.
10. J.B. admits the allegations of Paragraph 10. Moreover, Exhibit B speaks for itself.
11. J.B. admits the allegations of Paragraph 11. Moreover, Exhibit C speaks for itself.
12. J.B. admits the allegations of Paragraph 12. Moreover, Exhibit D speaks for itself.
13. J.B. admits the allegations of Paragraph 13.
14. J.B. admits the allegations of Paragraph 14. Moreover, Exhibit E speaks for itself.
15. J.B. admits the allegations of Paragraph 15. Moreover, Exhibit F speaks for itself.
16. J.B. admits the allegations of Paragraph 16.
17. J.B. admits the allegations of Paragraph 17.
18. J.B. admits the allegations of Paragraph 18.
19. J.B. admits the allegations of Paragraph 19.

20. J.B. admits the allegations of Paragraph 20.

21. J.B. admits the allegations of Paragraph 21.

22. J.B. admits the allegations of Paragraph 22. Moreover, Exhibit A speaks for itself.

23. J.B. denies the allegations of Paragraph 23.

24. J.B. admits the allegations of Paragraph 24.

THE APPROPRIATENESS OF INTERPLEADER

25. No answer is required in response to the allegations of Paragraph 25.

26. No answer is required in response to the allegations of Paragraph 26.

27. No answer is required in response to the allegations of Paragraph 27.

28. In response to the unnumbered Prayer for Relief, J.B. answers by stating that she has counsel and does not believe she needs a guardian *ad litem* at this time. However, J.B. agrees that she and Z.B. have competing interests and cannot be represented by the same counsel effectively. Therefore, she consents to the appointment of an independent attorney or guardian *ad litem*, as appropriate, to represent the interests of Z.B. Furthering answer the unnumbered Prayer for Relief, J.B. consents to Prudential depositing the disputed funds into the registry of the Court and being dismissed from this action with prejudice. J.B. may consent to Prudential being awarded modest, reasonable attorney's fees upon presentation of the amount sought.

All allegations in the Amended Interpleader Complaint (ECF No. 20) not expressly admitted or addressed are hereby denied. J.B. reserves the right to amend and supplement this Answer pursuant to Rule 15 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, J.B. prays for judgment of this Court in her favor, costs, interest, attorney's fees to the extent authorized, and any other relief deemed just and proper.

DATED this 13th day of May, 2019.

Respectfully submitted,

/s/ Michael J. Hoover

Michael J. Hoover

LA Bar No. 35497

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Attorney for Defendant J.B., a minor,
represented herein by Annie L. Davis, her
guardian

CERTIFICATE OF SERVICE

☒ I hereby certify that on May 13, 2019, I caused a copy of the foregoing to be filed electronically using the CM/ECF System. Notice of this filing will be sent by the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Michael J. Hoover

Michael J. Hoover